

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 25, 2005

SENATE BILL

No. 51

Introduced by Senator ~~Kuehl~~ Migden

January 10, 2005

~~An act to amend Section 1946.1 of the Civil Code, relating to tenancy.~~ *An act to amend Section 19613.3 of the Business and Professions Code, relating to horse racing.*

LEGISLATIVE COUNSEL'S DIGEST

SB 51, as amended, ~~Kuehl~~ Migden. ~~Real property: rentals.~~ *Horsemen's organizations.*

Existing law provides for the recognition of horsemen's and horsewomen's organizations by the California Horse Racing Board. Each organization, except for the thoroughbred horsemen's and horsewomen's organizations, and except an organization that solely represents owners, or solely represents trainers, is required to provide for the representation of owners and trainers on its board of directors. Each thoroughbred horsemen's and horsewomen's organization, except one that solely represents trainers, is required to provide for the representation of owners and owner-trainers on its board.

Existing law provides that the organization representing owners who are also licensed as trainers, and their spouses who are licensed as owners, shall comprise a class of owner-trainers, which may elect 3 of its members to the board of directors of the owner's organization, while all other directors shall be owners and not owner-trainers. The law prohibits the board of the thoroughbred owners' organization from exceeding 15 members and requires all members to have

qualified as owner-trainers, to the board of the thoroughbred owners' organization. These provisions will be repealed as of January 1, 2007.

This bill would instead would require 3 members of the class of owner-trainers to be elected to the board of directors of the organization representing owners. The bill would require the organization representing owners to provide in its bylaws that all members of the organization shall have the right to vote in the election of all members of its board of directors, and that at least 3 of the 12 directors who represent owners and at least one who represents owner-trainers shall reside and race in the northern zone. The bill would further require the owners organization to provide in its bylaws that a subcommittee be formed to specifically address purse schedules in the northern zone, as specified.

This bill would maintain these provisions in effect until January 1, 2009.

~~Existing law, until January 1, 2006, establishes certain provisions for the renewal or termination of a hiring of residential real property for an unspecified term. Included among these provisions is a requirement that an owner of a residential dwelling give at least 60 days' notice prior to termination or 30 days' notice prior to termination if the tenant has resided in the dwelling for less than one year, or if other enumerated circumstances are satisfied.~~

~~This bill would revise that date, thereby extending these provisions until January 1, 2009. This bill would also provide that an owner may give 30 days' notice if any tenant or resident has resided in the dwelling for less than one year.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19613.3 of the Business and Professions
- 2 Code is amended to read:
- 3 19613.3. (a) Except as provided in subdivision (b), (c), (d),
- 4 and (e), (f), and (g) relating to thoroughbred horsemen's
- 5 organizations, each horsemen's organization, except an
- 6 organization that solely represents owners; or an organization
- 7 that solely represents trainers, shall provide for the representation
- 8 of owners and trainers on its board of directors. The provisions
- 9 setting forth the composition of the board of directors of each

1 organization shall be in the bylaws of the organization and shall
2 be submitted to the board. The bylaws and any changes thereto
3 shall be approved by the board.

4 (b) Each thoroughbred horsemen's organization, except an
5 organization that solely represents trainers, shall provide for the
6 representation of owners and owner-trainers, as defined in
7 subdivision (c), on its board of directors. The provisions setting
8 forth the composition of the board of directors of each
9 organization shall be in the bylaws of the organization and shall
10 be submitted to the board. The bylaws and any changes thereto
11 shall be approved by the board.

12 (c) The organization representing owners shall provide in its
13 bylaws that owners who are also licensed as trainers, and their
14 spouses who are licensed as owners, shall comprise ~~a the~~
15 ~~membership class of owner-trainers, which may elect three of its~~
16 ~~members to the board of directors of the organization~~
17 ~~representing owners.~~ *Three members of this class shall be elected*
18 *to the board of directors of the organization representing*
19 *owners.* All other directors shall be owners as defined in Section
20 19613, and shall not be members of the class of owner-trainers.

21 (d) *The organization representing owners shall provide in its*
22 *bylaws that all members of the organization, including owners*
23 *who are trainers and their spouses who are licensed as owners,*
24 *shall have the right to vote in the election of all members of the*
25 *organization's board of directors.*

26 (e) *The organization representing owners shall provide in its*
27 *bylaws that at least three of the 12 directors who represent the*
28 *membership class of licensed owners, and at least one of the*
29 *three directors who represent the membership class of*
30 *owner-trainers, shall both reside and race in the northern zone.*
31 *In order to qualify for election to these board positions,*
32 *individuals must have at least six race starts in horse races in the*
33 *northern zone during the previous calendar year.*

34 (f) *The organization representing owners shall provide in its*
35 *bylaws that a subcommittee be formed specifically to address*
36 *purse schedules in the northern zone. This subcommittee shall be*
37 *comprised of three of the four board members from the northern*
38 *zone, including the one owner-trainer member, one additional*
39 *owner-trainer who resides and races in the northern zone*
40 *designated by the organization representing trainers and other*

1 owners who both reside and race in the northern zone as deemed
2 necessary by the board members from the northern zone. The
3 organization shall make at least one staff person available in the
4 northern zone to support the activities of this subcommittee. In
5 order to serve as a member of the subcommittee individuals must
6 have owned thoroughbreds making at least six race starts in
7 horse races in the northern zone in the preceding calendar year.
8 The bylaws shall be consistent with the provisions of this
9 subdivision so as to provide comprehensive representation of
10 thoroughbred owners and owner-trainers in the northern zone.

11 (g) The board of directors of the thoroughbred owners'
12 organization shall not exceed 15 persons, and all members of the
13 board shall have equal standing. No person other than a duly
14 elected or appointed member of the board of directors shall be
15 entitled to vote on matters that are subject to the vote of the
16 board.

17 ~~(e) The organization representing thoroughbred trainers may,~~
18 ~~upon the effective date of this section, appoint three individuals~~
19 ~~who qualify as members of the class of owner-trainers as~~
20 ~~described in subdivision (c) to the board of directors of the~~
21 ~~organization representing thoroughbred owners. These~~
22 ~~appointees shall hold these positions until members of the class~~
23 ~~are elected to fill the positions, no later than July 1, 2003. This~~

24 ~~(h) This section shall remain in effect only until January 1,~~
25 ~~2007 2009, and as of that date is repealed, unless a later enacted~~
26 ~~statute, that is enacted before January 1, 2007 2009, deletes or~~
27 ~~extends that date.~~

28 SECTION 1. ~~Section 1946.1 of the Civil Code is amended to~~
29 ~~read:~~

30 ~~1946.1. (a) Notwithstanding Section 1946, a hiring of~~
31 ~~residential real property for a term not specified by the parties, is~~
32 ~~deemed to be renewed as stated in Section 1945, at the end of the~~
33 ~~term implied by law unless one of the parties gives written notice~~
34 ~~to the other of his or her intention to terminate the tenancy, as~~
35 ~~provided in this section.~~

36 ~~(b) An owner of a residential dwelling giving notice pursuant~~
37 ~~to this section shall give notice at least 60 days prior to the~~
38 ~~proposed date of termination. A tenant giving notice pursuant to~~
39 ~~this section shall give notice for a period at least as long as the~~

1 ~~term of the periodic tenancy prior to the proposed date of~~
2 ~~termination.~~

3 ~~(e) Notwithstanding subdivision (b), an owner of a residential~~
4 ~~dwelling giving notice pursuant to this section shall give notice at~~
5 ~~least 30 days prior to the proposed date of termination if any~~
6 ~~tenant or resident has resided in the dwelling for less than one~~
7 ~~year.~~

8 ~~(d) Notwithstanding subdivision (b), an owner of a residential~~
9 ~~dwelling giving notice pursuant to this section shall give notice at~~
10 ~~least 30 days prior to the proposed date of termination if all of the~~
11 ~~following apply:~~

12 ~~(1) The dwelling or unit is alienable separate from the title to~~
13 ~~any other dwelling unit.~~

14 ~~(2) The owner has contracted to sell the dwelling or unit to a~~
15 ~~bona fide purchaser for value, and has established an escrow with~~
16 ~~a licensed escrow agent, as defined in Sections 17004 and 17200~~
17 ~~of the Financial Code, or a licensed real estate broker, as defined~~
18 ~~in Section 10131 of the Business and Professions Code.~~

19 ~~(3) The purchaser is a natural person or persons.~~

20 ~~(4) The notice is given no more than 120 days after the escrow~~
21 ~~has been established.~~

22 ~~(5) Notice was not previously given to the tenant pursuant to~~
23 ~~this section.~~

24 ~~(6) The purchaser in good faith intends to reside in the~~
25 ~~property for at least one full year after the termination of the~~
26 ~~tenancy.~~

27 ~~(e) The notices required by this section shall be given in the~~
28 ~~manner prescribed in Section 1162 of the Code of Civil~~
29 ~~Procedure or by sending a copy by certified or registered mail.~~

30 ~~(f) This section may not be construed to affect the authority of~~
31 ~~a public entity that otherwise exists to regulate or monitor the~~
32 ~~basis for eviction.~~

33 ~~(g) This section shall remain in effect only until January 1,~~
34 ~~2009, and as of that date is repealed, unless a later enacted~~
35 ~~statute, that is enacted before January 1, 2009, deletes or extends~~
36 ~~that date.~~